

REMARKS

This Response is submitted in reply to the Final Office Action dated April 30, 2008, and in conjunction with the enclosed Request for Continued Examination. Claims 1 to 6, 9 to 15, 21 to 25, 29, 31 to 34, 38 to 40, 42 to 45, 51, 52, 55, 56, 59, 60, 63, 64, 67 and 68 have been amended. Claims 30 and 41 were previously canceled. No new matter has been added by these amendments.

Please charge Deposit Account No. 02-1818 for the cost of this Request for Continued Examination and any fees due in connection with this Response.

As noted above, Applicants have filed a Request for Continued Examination with this Response. Accordingly, Applicants request that the Examiner provide an upcoming Office Action which will “. . . identify any claims which he or she judges, as presently recited, to be allowable and/or . . . suggest any way in which he or she considers that rejected claims may be amended to make them allowable” in accordance with §707.07(d) of the MPEP.

The Office Action stated that the declaration is defective because it attempts to claim foreign priority under 35 U.S.C. § 119(a)-(d) to United States Patent Application Serial Nos. 10/228,750 and 09/686,409. A corrected declaration in compliance with 37 C.F.R. § 1.67(a) is submitted herewith. Applicants submit that the specification, in compliance with 37 C.F.R. § 1.78(a)(2)(iii), includes the following priority claim in the first sentence following the title: “This application is a continuation-in-part of and claims the benefit of U.S. patent application Ser. No. 10/393,201, filed Mar. 20, 2003, which is a continuation of and claims the benefit of U.S. patent application Ser. No. 10/288,750, filed Nov. 6, 2002, which is a continuation of and claims the benefit of U.S. patent application Ser. No. 09/686,409, filed Oct. 11, 2000, now U.S. Pat. No. 6,494,785 B1.” Furthermore, the priority claim is reflected in the filing receipt which was mailed on December 2, 2003. Therefore, Applicants submit that this application, in conjunction with the corrected declaration, properly claims priority to, and the benefit of, these references under 35 U.S.C. § 120.

The Office Action objected to Claim 63 because it recites, in part: "until the symbol is moved to a locations." Applicants have amended Claim 63 to overcome this objection and submits that amended Claim 63 is in condition for allowance.

The Office Action rejected Claims 1 to 29, 31 to 40, 42 to 52, 55 to 56, 59, 60, 63, 64, 67, and 68 under 35 U.S.C. § 102(e) as being anticipated by United States Patent No. 6,767,283 to Weiss ("Weiss"). Applicants disagree with and traverses this rejection. Additionally, Applicants have amended certain of the claims for clarity.

Weiss discloses a gaming device having a primary display and a plurality of symbols on the primary display which leads to a first bonus. The first bonus is a serpentine path over which a character must traverse in order to achieve a second bonus. Specifically, a first bonus event involves a playing path that a simulated character is required to traverse. The number of steps that the simulated character takes is determined by a spinner located in a video screen which the player activates. In this first bonus event, a certain number of spins are allocated the player. Each time the character lands on a spot on the path which correlates to a credit value, that credit value is posted to the player's account. In addition, along the playing path are spaces which, if the character advances and stops thereat, signals the end of the bonus event. These spaces which indicate the end of the bonus event are entitled "Go Home". Should the player advance the character to the terminus of the playing path, a second bonus round evolves.

Amended independent Claim 1 includes, among other elements: at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition, (c) repeat (a) to (b) until the symbol moves to the first location, and (d) provide a player an award based on the number of locations the symbol is moved to before the symbol moves to the first location.

Under the Office Action's first interpretation that *Weiss* meets each of the "repetition" steps by "repeatedly playing the bonus game, each time ultimately having a 'Go Home' outcome, until the last play results in achieving an 'Easy Street' game, and subsequently cashing out," Applicants submit that *Weiss* does not disclose a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition, (c) repeat (a) to (b) until the symbol moves to the first location. In *Weiss*, if a setback condition occurs (i.e., the character lands on a "Go Home" spot), the bonus game ends and the character does not move to any additional spots. That is, multiple plays of the bonus game are required to first move the *Weiss* character further from "Easy Street" (when the character lands on the "Go Home" location and a first game ends), then move the *Weiss* character back towards "Easy Street" (during a second or subsequent play of the game). On the other hand, the gaming device of amended independent Claim 1 includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition, (c) repeat (a) to (b) until the symbol moves to the first location.

Regarding the Office Action's second interpretation that *Weiss* meets each of the "repetition" steps by "playing the bonus game one or more times, each having one or more moves, wherein the symbol never lands on a 'Go Home' and ultimately ends on 'Easy Street', and subsequently cashing out," Applicants submit that *Weiss* does not disclose a gaming device which includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to: (a)

cause the symbol to move to at least one location along the path toward the first location, (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition, (c) repeat (a) to (b) until the symbol moves to the first location. That is, if the *Weiss* character lands on a "Go Home" spot, the *Weiss* gaming device ends the play of the game, and therefore the *Weiss* gaming device is not programmed, for each play of the game, to relocate the character to a spot further from "Easy Street" and then move the character back towards "Easy Street". On the other hand, the gaming device of amended independent Claim 1 includes at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to: (a) cause the symbol to move to at least one location along the path toward the first location, (b) relocate the symbol to one of the locations along the path further from the first location if the symbol moves to the location associated with the setback condition, (c) repeat (a) to (b) until the symbol moves to the first location.

For at least these reasons, amended independent Claim 1 is patentably distinguished over *Weiss* and is in condition for allowance. Claims 2 to 4 depend directly or indirectly from amended independent Claim 1 and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claims 5, 9, 15, 21, 25, 29, 34, 38, 45, 51, 55, 59, 63, and 67 each include elements similar to the elements of amended independent Claim 1 and are allowable for similar reasons. Claims 6 to 8, Claims 10 to 14, Claims 16 to 20, Claims 22 to 24, Claims 26 to 28, Claims 31 to 33, Claims 35 to 37, Claims 39, 40, and 42 to 44, Claims 46 to 50, Claim 52, Claim 56, Claim 60, Claim 64, and Claim 68 depend directly or indirectly from amended independent Claims 1, 5, 9, 15, 21, 25, 29, 34, 38, 45, 51, 55, 59, 63, and 67, respectively, and are allowable for similar reasons, and because of the additional features recited in these claims.

Additionally, Applicants submit that *Weiss* does not disclose a gaming device which includes, among other elements, at least one memory device which stores a plurality of instructions executable by the processor to cause the processor to operate with the at least one input device and the display device, for each play of a game, to

provide a player a total award based on any award associated with any of the locations the symbol is moved to and the number of locations the symbol is moved to before the symbol moves to the first location. On the other hand, amended independent Claim 21 is directed to a gaming device which includes these elements. For at least this reason, amended independent Claim 21 is patentably distinguished over *Weiss* and is in condition for allowance.

Claims 22 to 24 depend directly or indirectly from amended independent Claim 21 and are allowable for similar reasons, and because of the additional features recited in these claims.

Amended independent Claim 59 includes elements similar to the elements of amended independent Claim 21 and is allowable for similar reasons. Claim 60 depends directly from amended independent Claim 59 and is allowable for similar reasons, and because of the additional features recited in this claim.

The Office Action rejected Claims 53, 54, 57, 58, 61, 62, 65, 66, 69, and 70 under 35 U.S.C. § 103(a) as being unpatentable over *Weiss* in view of Admitted Prior Art. Applicants disagree with and traverses these rejections.

The Office Action stated that *Weiss* lacks disclosing operating a game method through a data network including the Internet. The Office Action also stated that one of ordinary skill in the art would have been motivated to modify *Weiss* in order to allow a player to control gaming devices from a remote location.

Applicants respectfully disagree and submit that regardless of whether it would have been obvious to modify *Weiss* in order to allow a player to control gaming devices from a remote location, unlike the methods of operating a gaming device of Claims 53 and 54, *Weiss* does not disclose or render obvious, for each play of a game: (a) displaying a plurality of locations including a first location, wherein a plurality of said locations along a path are each associated with an award and at least one location is associated with a setback condition, (b) determining movement of a player symbol along the path toward the first location, (c) relocating said symbol from the first location if said setback condition is associated with the location of the player symbol, and (d) repeating steps (b) to (c) until the symbol is moved to the first location. Moreover, it

would not have been obvious to one of ordinary skill in the art to modify *Weiss* to result in such method of operating a gaming device without reasonably being construed as improper hindsight reconstruction.

For at least these reasons, and because of the additional features recited in these claims, Claims 53 and 54 are patentably distinguished over *Weiss* and Admitted Prior Art and are in condition for allowance.

Claims 57, 58, 61, 62, 65, 66, 69, and 70 each include elements similar to the elements of Claims 53 and 54, and are allowable for similar reasons, and because of the additional features recited in these claims.

An earnest endeavor has been made to place this application in condition for formal allowance, which is courteously solicited. If the Examiner has any questions regarding this Response, Applicants respectfully request that the Examiner contact the undersigned.

Respectfully submitted,

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